

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 AGR-05 CEA-01 CIAE-00 COME-00 DODE-00

EB-07 FRB-03 H-02 INR-07 INT-05 L-03 LAB-04 NSAE-00

NSC-05 PA-01 AID-05 CIEP-01 SS-15 STR-04 TAR-01

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FM USMISSION EC BRUSSELS

TO SECSTATE WASHDC 9554

INFO ALL EC CAPITALS 1064

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PASS AGRICULTURE

E.O. 11652: N/A

TAGS: EAGR, EEC

SUBJECT: EC IMPORT SYSTEM FOR PROCESSED FRUITS AND VEGETABLES

REF STATE 217314

1. MISSION OFFICERS CONVEYED THE POINTS IN THE REFTEL TO SIMONNET AND MARMULLA, CHIEFS OF THE AGRICULTURAL TRADE DIVISIONS IN THE DIRECTORATES GENERAL FOR EXTERNAL RELATIONS AND AGRICULTURE, ON SEPT 16. WE EMPHASIZED THAT, IN THE JUDGMENT OF THE USG, BOTH THE MINIMUM IMPORT PRICE (MIP) SYSTEM FOR TOMATO CONCENTRATES AND THE IMPORT CERTIFICATE/SURETY DEPOSIT SYSTEM FOR CERTAIN PROCESSED FRUITS AND VEGETABLES WERE INCONSISTENT WITH GATT PROVISIONS AND THAT THEIR IMPLEMENTATION WOULD IMPAIR US RIGHTS UNDER THE GATT. WE INFORMED THEM THAT THE USG WAS SERIOUSLY CONSIDERING CONSULTATIONS UNDER GATT ARTICLE XXIII:1 CONCERNING THESE MEASURES AND THAT THIS ISSUE WAS BEING BROUGHT TO THE ATTENTION OF HIJZEN AND RABOT DURING THEIR WASHINGTON VISIT.

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2. SIMONNET NOTED THAT THE COMMISSION WAS QUITE AWARE OF US

CONCERN WITH REGARD TO THESE MEASURES AND THAT, ON THE OTHER HAND, THE US WAS WELL AWARE OF THE COMMUNITY POSITION. THERE WAS THUS REALLY NO NEW GROUND TO COVER IN THE DISCUSSION. THE COMMISSION WAS CONVINCED THAT BOTH THE MIP AND THE IMPORT CERTIFICATE SYSTEM WERE IN THEMSELVES COMPATIBLE WITH THE GATT. ANY INVESTIGATION OF THESE MEASURES UNDER GATT WOULD FOCUS ON THEIR EFFECT ON TRADE. HE NOTED THAT WHILE THE US HAD A LEGAL RIGHT (DROIT JURIDIQUE) TO INVOKE GATT DISCUSSIONS, IT DID NOT IN FACT HAVE A COMMERCIAL JUSTIFICATION (DROIT COMMERCIAL) -- PARTICULARLY WITH RESPECT TO THE MIP SYSTEM FOR TOMATO CONCENTRATES. THE GATT WAS, AFTER ALL, CONCERNED WITH COMMERCE NOT THEORY. IN SUMMING UP, HE NOTED HIS APPRECIATION OF US CONCERNS IN THIS MATTER BUT SAID THAT THE COMMUNITY WAS QUITE PREPARED TO DEFEND THESE MEASURES IN THE GATT.

3. DURING THE COURSE OF THE DISCUSSION, SIMONNET OFFERED TO ARRANGE A LATER MEETING WITH COMMISSION FRUIT AND VEGETABLE EXPERTS FOR THE PURPOSE OF EXPLAINING THE DETAILS OF THE EC SYSTEM -- IN PARTICULAR, THE CALCULATION OF THE MIP. GREENWALD

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